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April 26, 2022

Via Electronic Filing

Hon. Michelle L. Phillips  
Secretary of the Public Service Commission  
NYS Board on Electric Generation Siting and the Environment Agency  
Building 3  
Empire State Plaza  
Albany, NY 12223

Re: Case No. 22-E-0204: Comment of concern Heritage Wind, LLC, for a Certificate of Public Convenience and Necessity Pursuant to Public Service Law Section 68 and for an Order Granting Lightened Regulation

Dear Secretary Phillips,

I am writing as an individual and lifetime resident of Barre, NY, in regards to the Petition of Heritage Wind, LLC, for a Certificate of Public Convenience and Necessity Pursuant to Public Service Law Section 68 and an Order Granting Lightened Regulation. I reside in the Town of Barre, I am employed in the Town of Barre, my husband and I are raising our three children and I am currently serving as an elected Town of Barre, Town Board Member.

After reviewing the petition request submitted by Heritage Wind, LLC. I did want to bring forth some concerns in regards to their request.

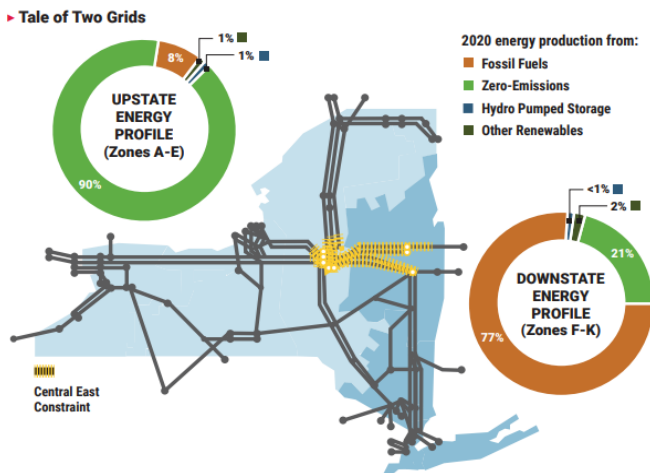
- Petitioner requests that the Commission waive the general requirement in PSL § 68 for a public hearing, I request that this be denied.
  - Due to COVID 19 restrictions during the entirety of the Article 94-C process there was only one public hearing held, and this was held virtually, with many technical difficulties.
    - The Town of Barre is working on expanding internet access in our community; however, at this time there is still a large portion of our community who do not have access to the internet, and have limited opportunity to participate in the proceedings related to this project.

- During the 94-C process the Town of Barre, and Orleans County, along with other local organizations were denied party status, and denied further participation in the 94-C process. (Later in the proceedings amicus status was granted to one organization, but not to the Town or County).
- 16 NYCRR §21.10 address Expedited proceedings on **noncontested** applications. This request was made prior to the public, and organizations having any opportunity to review and express their comments. The request for no public hearing should be denied.
  - The Heritage Wind Project has been a contested project with organizations like the United States Fish and Wildlife Services, the American Bird Conservancy and many others.
    - United States Fish and Wildlife Services Stated in their public comment to the petitioners 94-C application Comment #22:  
*“Therefore, the project may face liability risk under this statute. Based upon the data collected by the Service and the close proximity to important and unique state and federal wildlife areas, we believe this project represents a high collision risk to wildlife. Data collected by the Service indicates this risk may be higher during migration. Our recommendation would be to site the project in an area of less risk. At a minimum, it is recommended that the 6 turbines closest to the INWR and state wildlife management area should be moved relative to these areas or removed from the project. We believe that the closer the turbines are to these unique biological habitats, the greater the impact is to species which frequent them. We recommend ORES deny the draft permit for the project and direct Heritage to design a project with less risk to wildlife.”*
  - It has caused controversy in our wonderful community, as can be seen in both the comments, and proceedings in the Article 10 Process and the 94-C process:
    - Article 10 Heritage Wind LLC  
<https://documents.dps.ny.gov/public/MatterManagement/CaseMaster.aspx?MatterCaseNo=16-F-0546&CaseSearch=Search>
    - 94-C Proceedings for Heritage Wind LLC  
<https://documents.dps.ny.gov/public/MatterManagement/CaseMaster.aspx?MatterCaseNo=21-00026&CaseSearch=Search>
- Proof of economic concern for this project by the petitioner. Based on potential removal of turbines T1-T6 or the addition of entire project monitoring. DECISION OF THE EXECUTIVE DIRECTOR Issued January 13, 2022 by HOUTAN MOAVENI, Executive Director: 94-C.

- “On that point, applicant has argued that removal of the six turbines is not practicable. Applicant asserted that removal of the six turbines is likely to make the project uneconomical and unfinanceable, and that redesigning the facility at this late stage is not practicable.”
  - Removal of 6 turbines as recommended by executive director Moaveni would change this project from a 184.8MW project to a 151.2MW project. Reduction of 18% of the name plate capacity of this project, assuming that other turbines are not removed or run into other challenges when the applicant seeks to fulfill other federal requirements.
- Executive Director Houtan Moaevni states that the record in the 94-C proceeding does not contain sufficient project-specific, market specific information to make a determination.
  - “I agree with Office staff, however, that the record does not contain sufficient project-specific, market specific information to make a determination whether removal or relocation of the six turbines is impracticable.”
  - For this reason I request that the petition be thoroughly vetted and reviewed for the specifics economic feasibility of this project separate from the 94-c record.
- According to 16 NYCCR 21.3 the Hearing should contain the following information. Based on the information presented above I request that a hearing take place and the information be shared, both at the 184.8 MW name plate capacity and at the 151.2MW project.
  - (e) Estimated revenues to be derived from operations covered by the petition, and the estimated expenses of such operations, each to be complete and in detail for each of the first three years of service; also estimate made from an actual survey of the territory of the number of prospective customers at the end of the first, second and third years of service showing for each date the number of prospective customers in the residential, commercial and industrial classes of service.
- **New York State Independent Operating system 2019 Power Trends reports, identifies the (at the time proposed Heritage Wind Project) to not actually be in the public interest or public need.**
  - “Even with the Western New York and AC Transmission projects already selected by the NYISO, congestion on the system will persist, complicating the state’s ability to meet its renewable energy goals. The inability of the transmission system to deliver increasing amounts of renewable supply from upstate New York to downstate consumers jeopardizes achieving the state’s public policy goals.”

**area proposed to be served, the public need for the proposed service including, but not limited to:**

- **(1) the adequacy of the existing service to meet the reasonable needs of the public in the territory involved;**
  - “In its most recent award of REC contracts announced in January 2019, NYSERDA noted that it was supporting 20 large-scale renewable projects representing 1,654 MW of installed capacity. 18 93% of the awarded capacity will be located upstate (in load zones A-E) , where clean energy resources are already abundant and access to load centers in southeastern New York is heavily constrained. Absent investment to expand the transfer capability of the bulk power system, investment in renewables in upstate load zones runs the risk of bringing diminishing returns in terms of progress toward both renewable energy production and carbon dioxide emissions reduction goals.” NYSIO Power Trend Report Page 45
    - Heritage Wind is one of the 18 renewable projects that was awarded a REC from NYSERDA in the January 2019 awards
  - “Based on the NYISO’s operating experience, there are already high levels of wind curtailment in northern New York. Analysis performed by the NYISO in 2018 indicates that further wind development upstate could lead to increased levels of wind curtailment without additional transmission upgrades, including targeted enhancements to certain local transmission networks.”
    - NYSIO Power Trend Report Page 45
- **(2) the ability and willingness of the present operator(s) to provide such reasonably adequate service; and**
  - According to the 2021 NYS Independent Operating System Power Trends Report, the A-E load zones (upstate NY) is already operating at 92% Carbon Emission Free Energy Sources.
  - No need for additional electricity generation has been documented or projected for our area, and the infrastructure to move the Carbon Emissions free electricity from A-E load zones to down state where the electricity is needed is not currently available.
- **(3) the degree of competition desirable or required by the public interest.**



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- Table from 2021 NYSIO Power Trend Report (pg 6).
- Omitted information by the petitioner.
  - Appendix C and F referenced in the petition are not actually included in the petition.
  - The Petitioner shares “Apex has other projects in early-stage development in New York, including Alder Creek Solar proposed in the Towns of Boonville and Forestport, Oneida County, which began the Article 10 review process before the Siting Board under Case 19-F-0638, and which submitted a notice on October 25, 2021 of its intention to transfer to the Section 94-c permitting process.”
  - Additional Projects omitted by the petitioner currently proposed/ affiliated by Apex Clean Energy in NYS:
    - Lighthouse Wind Energy Facility, Towns of Yates and Summerset Orleans County, NY Case No. 14-F-0485
      - <https://documents.dps.ny.gov/public/MatterManagement/CaseMaster.aspx?MatterCaseNo=14-F-0485&CaseSearch=Search>
    - Galloo Island Wind Energy Facility Town of Hounsfield, Jefferson County, New York Case No. 15-F-0327 June 2016
      - <https://documents.dps.ny.gov/public/MatterManagement/CaseMaster.aspx?MatterCaseNo=15-F-0327&CaseSearch=Search>

In conclusion, I request that a hearing and thorough investigation into the economic need and public interest of this project occur to best serve the residents of Barre, Orleans County and New York State.

Should you require additional information please do not hesitate to contact me.

Thank you for your time,

*Keri Richardson*

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